

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF PENNSYLVANIA

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BRANDON CHARLESTON,

Petitioner,

v.

No. 2:15-cv-01437

ROBERT D. GILMORE, *Superintendent*  
*at SCI-Greene;*

THE ATTORNEY GENERAL OF THE STATE  
OF PENNSYLVANIA;  
THE DISTRICT ATTORNEY OF  
PHILADELPHIA COUNTY,

Respondents.

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**ORDER**

**AND NOW**, this 29<sup>th</sup> day of March, 2018, for the reasons set forth in the Opinion issued this date, **IT IS HEREBY ORDERED THAT:**

1. The Report and Recommendation, ECF No. 21, is **ADOPTED in part**, and Charleston's objections, ECF No. 24, to the Report and Recommendation are **OVERRULED in part** as follows:

- a. The Court adopts the Magistrate Judge's recommendations with respect to Charleston's first, second, and fourth claims in their entirety;
- b. With respect to Charleston's third and fifth claims, the Court does not adopt the recommendation that these claims be deemed waived; rather, the Court finds that these claims do not merit relief;
- c. Accordingly, the Court adopts the Magistrate Judge's conclusion that Charleston is not entitled to relief on any of his claims and adopts the recommendation that his Petition be denied;
- d. The Court also adopts the conclusion that there has been no substantial showing of the denial of a constitutional right requiring the issuance of a certificate of appealability.

2. The petition for writ of habeas corpus is **DENIED**;
3. This case is **CLOSED**; and
4. There is no basis for the issuance of a certificate of appealability.

BY THE COURT:

/s/ Joseph F. Leeson, Jr.  
JOSEPH F. LEESON, JR.  
United States District Judge